



## FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

February 11, 2011

Mr. Brian O'Grady  
Assessment Appeals Boards I & II

**REDACTED**

### **Warning Letter Re: FPPC No. 11/026; Brian O'Grady, Respondent**

Dear Mr. O'Grady:

This letter is in response to a referral from your filing officer that alleged you failed to file your 2009 Annual Statement of Economic Interests. On January 21, 2011, the Fair Political Practices Commission's Enforcement Division wrote you concerning your failure to file your 2009 Annual Statement of Economic Interests with the County of Santa Clara. In response to that letter, you filed a Leaving Office statement indicating that you left the Assessment Appeals Boards I & II on December 1, 2009. The Political Reform Act (the "Act"),<sup>1</sup> requires that employees designated in their employer's conflict of interest code file Statements of Economic Interests (Form 700) when they assume office, annually thereafter, and within 30 days of leaving their position.

Your failure to file the Leaving Office statement in a timely manner is a violation of the Act. (Gov. Code § 87300.) However, since you did file your statement immediately after contact by the Enforcement Division, and since you are no longer an official with the County of Santa Clara, we are closing our file on this matter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

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<sup>1</sup> The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact Jeanette Turvill at (916) 322-8194 with any questions you may have regarding this letter.

Sincerely,

REDACTED ✓

✓ Gary S. Winuk, Chief  
Enforcement Division

GSW/jt

cc. Ms. Maria Marinos  
Clerk of the Board of Supervisors  
Santa Clara County